Minutes of a regular meeting of the Town Council of the Town of Marion, Virginia held in the Council Chambers of the Municipal Building on June 7, 2021 at 5:30 p.m.

**PRESENT:** Mayor David Helms**,** Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Suzanne Jennings, Bill Weaver, Larry Carter (arrived late) and Avery Cornett (arrived late) Council Members; Town Manager Bill Rush, Town Clerk Cindy Stanley, Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair, Fire Chief Richard Keesling, and Economic Development Director Ken Heath.

**ABSENT:** None.

**VISITORS:** Charles Wassum, III, Allen and Brenda Kelly, Lili Cornett, Stacy Ely, James Tyler and Dale Clark.

**INVOCATION/PLEDGE TO THE FLAG:** Mr. Heath rendered the invocation. Mayor Helms led the Pledge to the Flag.

**MINUTES:** Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, the minutes of the meeting held May 17, 2021 were approved as written. Messrs Dr. Gates, Barker, Spencer, Jennings and Weaver voted affirmatively. Larry Carter arrived.

**AGENDA:** Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with the addition of a closed session for legal and removal of Mike Johnson under public presentation.

**PUBLIC PRESENTATIONS:** James Tyler, CEO Smyth County Community Hospital, reported the hospital has received another 5 Star rating for patient experience and overall rating. Mr. Tyler is retiring. He expressed his pleasure of working with Council, Mr. Rush and Chief Clair. He introduced Dale Clark, the new CEO, noting he is from Bland County and a Pharmacist with a Master’s Degree in Health Care Administration. Mr. Clark noted he is excited about this opportunity and appreciates the current stability and overall rating of the hospital. Mayor Helms wished Mr. Tyler well and looks forward to working with Mr. Clark. Avery Cornett arrived.

**PUBLIC HEARING ATMOS FRANCHISE REQUEST:** Mr. Rush reviewed the proposed ATMOS Franchise update noting it was implemented 30 years ago. It has been vetted by ATMOS and the Town Attorney. Mayor Helms opened the Public Hearing. Mr. Wassum inquired as to whether ATMOS supplies natural gas to the hospital. Mr. Rush called Mr. Tyler and confirmed, the hospital does have natural gas service. Mayor Helms closed the Public Hearing. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, the proposed ATMOS Franchise update was accepted.

**PUBLIC HEARING COLUMBIA AVENUE RIGHT OF WAY VACATE REQUEST:** Mayor Helms opened the Public Hearing. Mr. Rush reviewed the request of a property owner who wants to purchase the town’s right of way west of his property. The only other adjacent property owner did not respond to the registered letter. Mr. Rush reviewed the cost of $3,930.80 plus associated fees for the 40’ wide by 150’ long right of way. Discussion ensued. Mr. Kelly asked if the other properties would be land locked by selling this right of way. Dr. Gates noted the town has an upper right of way and this would not cause other property owners to be land locked. Mr. Kelly expressed his concern that the town has not heard from the adjacent landowner. Mayor Helms closed the Public Hearing. Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 6 AYES and 1 NO, the Columbia Avenue right of way vacate request will be tabled until the adjacent landowner is contacted.

**PUBLIC HEARING PROPOSED FISCAL 2021-2022 ANNUAL BUDGET:** Mayor Helms opened the Public Hearing. Mr. Rush reviewed the $14,001,920 proposed budget. He noted there is an increase to the septic hauling disposal fee from .10 cents per gallon to .12 cents per gallon. The Town of Marion is one of the few facilities in the region that accepts this type of outside sewer. One question came up about governing if the septic hauling company is located in Smyth County. Haulers must empty at certified sites to be licensed. The Department of Environment Quality does not want the town to refuse these companies to empty at this plant. Mrs. Kelly inquired if Ph is the only test required at time of off-loading. It was confirmed that Ph is the only test required at that time. Mayor Helms closed the Public Hearing.

Mr. Kelly gave an update on the Caring for the Community group, noting the First Responder Dinner was very successful. The next community volunteer event will be this weekend, June 12th and 13th, when approximately 40 volunteers will be paint and doing other jobs in town.

Mrs. Jennings noted there were approximately 193 participants at the Memorial Day event at the Lincoln Theatre.

Mayor Helms thanked Dr. Gates for assisting with the Memorial Day Parade line-up. There were four World War II Veterans in the parade.

Mr. Fenyk reported he will be closing on the Real Estate purchase tomorrow.

Chief Clair noted after the interview process, there are 2 solid applicants for the 2 Police Officer vacancies. They will begin the end of June and start the Police Academy in July.

Chief Keesling reported a successful award of an RSAF Grant for computers. This is a 100% grant for $11,498.24.

Mr. Heath reported his department will have a summer intern from ETSU. The Summit Center re-opened today. There have been 22 new businesses opened since the Pandemic began.

Mr. Rush noted the American Rescue Plan Act has allocated 5.7 million dollars to the Town of Marion, with the first funds being available mid-summer. The deadline for commitment of the funds is December 2024 and the deadline to have the funds spent is January 1, 2026. Department heads are to submit a list of projects by June 30, 2021 for consideration of these funds. There will be a VML webinar Thursday on guidance for spending the ARPA funds. This item will continue to be on each meeting agenda to allow for public input. The water utilities department will begin re-instating water cutoffs for unpaid bills. A notice will be sent with each customer’s next water bill. A large leak was found on Highway 16 South. There are some issues with too much water pressure. We will begin installing pressure reducing valves on main water lines in areas of concern. Mr. Rush reviewed a land donation offer near the Riverwalk from Mr. Bill Huber. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the land donation offer from Mr. Bill Huber was accepted.

**CLOSED SESSION:** Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-8), upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for discussion of Legal counsel. Mrs. Jennings moved that Town Council return to Open Session and identified it be known that only those matters legally exempted from Open Session and identified in the motion were discussed during Closed Session. The motion was seconded by Mr. Weaver and carried by a vote of 7 AYES and 0 NOES. The Clerk polled the Council Members. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Upon motion of Mr. Weaver, seconded by Mr. Cornett and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 8:11 p.m.

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Mayor Clerk